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EXAMINER

GILLESPIE, BENJAMIN

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*Note*

Continuation of Section 11: Applicants argue the claimed invention is not anticipated nor rendered obvious by Reischl et al ('095) because Reischl et al fail to teach two separate polyurethane dispersions prior to the mixing step. In response, and as previously discussed in paragraphs 7-12 of the final rejection mailed 4/24/2009, claim 7 only requires a blend of two different solvent-free polyurethane dispersions. The fact that Reischl et al uses a different methodology to obtain that blend does not overcome the fact that the relied upon composition is **identical to the claimed composition: a blend of two solvent free polyurethane dispersions.**

Applicants also argue the claimed invention is not rendered obvious by Schafheutle et al in view of Bagaglio et al and Ozawa et al because each reference fails to teach the limitations of claim 7. In response, it should first be noted that One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It is noted that each reference fails to teach all of the claims limitations – had they, claims 7-10 and 12-13 would be rejected under 102(b) as being anticipated by each reference.

Furthermore, applicants argue the combination of Schafheutle et al and Bagaglio et al is misplaced because Bagaglio et al fail to teach two distinct polyurethane dispersions. In response, applicants have misunderstood the examiner's rational. Schafheutle et al teach the production of a single polyurethane resin dispersions comprising blocks of polyether and polyester – said resin can further react with crosslinker. Bagaglio et al establish that creating two distinct polyurethanes, one having only blocks of polyether and the second having only blocks of

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polyester is preferred over a single polyurethane resin having both since the final cured polyurethane will have better distribution of the polyether/polyester groups and therefore reduced anisotropy. The fact that the polyester-polyurethane and polyether-polyurethane of Bagaglio et al are used in different applications, i.e. not dispersions, does not take away from the relevant teachings that keeping each polyether-polyurethane and polyester-polyurethane separate results in superior distribution within the final composition.

Finally, applicants argue that the combination of Schafheutle et al and Ozawa et al fail to render the claimed invention because Ozawa et al fail to teach polyether and polyester in a single polyurethane backbone. Again, applicants fail to appreciate the rationale set forth in the office actions mailed 4/24/2009 and 9/23/2009. Ozawa et al establish that polyether and polyester each have distinct properties. Regardless whether Ozawa et al teaches a single backbone comprising both – **the primary reference teaches a final polyurethane comprising a single backbone having polyether and polyester segments**. Therefore, one of ordinary skill would understand that in view of Ozawa et al, the amount of polyether vs. polyester covalently bonded within the backbone of Schafheutle et al impacts the resulting properties of said polyurethane, i.e. touch feel vs. abrasion resistance.

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